

**ASSEMBLY BILL**

**No. 2192**

---

**Introduced by Assembly Member Melendez**

February 20, 2014

---

An act to amend Section 17960.1 of the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 2192, as introduced, Melendez. Housing: building plans

Under existing law, the building department of every city or county is required to enforce the provisions of the State Building Standards Code, the State Housing Law, and the other rules and regulations promulgated pursuant to that law pertaining to, among other things, the erection, construction, reconstruction, or repair of apartment houses, hotels, or dwellings. Existing law permits the governing body of a local agency to authorize its enforcement agency to contract with or employ a private entity or persons on a temporary basis to perform the plan-checking function. Existing law, when there is excessive delay in checking plans and specifications submitted as part of an application for a residential building permit, requires the local agency, upon the applicant's request, to contract with or employ a private entity or persons temporarily to perform the plan-checking function, as specified.

This bill would permit a local agency to create and implement a program whereby a building permit may be issued upon submission of plans prepared by an architect and reviewed by another unaffiliated architect, for specified types of projects.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 17960.1 of the Health and Safety Code is amended to read:

17960.1. (a) The governing body of a local agency may authorize its enforcement agency to contract with or employ a private entity or persons on a temporary basis to perform the plan-checking function.

(b) A local agency need not enter into a contract or employ persons if it determines that no entities or persons are available or qualified to perform the plan-checking services.

(c) Entities or persons employed by a local agency may, pursuant to agreement with the local agency, perform all functions necessary to check the plans and specifications to comply with other requirements imposed pursuant to this part or by local ordinances adopted pursuant to this part, except those functions reserved by this part or local ordinance to the legislative body. A local agency may charge the applicant fees in an amount necessary to defray costs directly attributable to employing or contracting with entities or persons performing services pursuant to this section which the applicant requested.

(d) When there is an excessive delay in checking plans and specifications submitted as a part of an application for a residential building permit, the local agency shall, upon request of the applicant, contract with or employ a private entity or persons on a temporary basis to perform the plan-checking function subject to subdivisions (b) and (c).

*(e) (1) The governing body of a local agency may create and implement a program whereby a building permit may be issued upon submission of plans prepared by an architect and reviewed by another unaffiliated architect.*

*(2) This subdivision shall apply only to the following project types:*

*(A) Single-family dwellings not more than two stories and basement in height.*

*(B) Multiple dwellings containing no more than four dwelling units of not more than two stories and basement in height.*

*(C) Garages or other structures appurtenant to buildings described in this paragraph, not more than two stories and basement in height.*

1     (D) *Agricultural and ranch buildings, unless the building official*  
2     *having jurisdiction deems that an undue risk to the public health,*  
3     *safety, or welfare exists.*

4     (E) *Nonstructural or nonseismic storefronts, interior alterations,*  
5     *or additions.*

6     ~~(e)~~

7     (f) For purposes of this section:

8     (1) “Enforcement agency” means the building department or  
9     building division of a local agency.

10    (2) “Excessive delay” means the enforcement agency of a local  
11    agency has taken either of the following:

12    (A) More than 30 days after submittal of a complete application  
13    to complete the structural building safety plan check of the  
14    applicant’s set of plans and specifications which are suitable for  
15    checking. For a discretionary building permit, the time period  
16    specified in this paragraph shall commence after certification of  
17    the environmental impact report, adoption of a negative declaration,  
18    or a determination by the local agency that the project is exempt  
19    from Division 13 (commencing with Section 21000) of the Public  
20    Resources Code.

21    (B) Including the days actually taken in (A), more than 45 days  
22    to complete the checking of the resubmitted corrected plans and  
23    specifications suitable for checking after the enforcement agency  
24    had returned the plans and specifications to the applicant for  
25    correction.

26    (3) “Local agency” means a city, county, or city and county.

27    (4) “Residential building” means a one-to-four family detached  
28    structure not exceeding three stories in height.